

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Review of the Commission's)
Broadcast and Cable Equal Employment)
Opportunity Rules and Policies)
and)
Termination of the EEO Streamlining)
Proceeding)
)

MM Docket No. 98-204

MM Docket No. 96-16

COMMENTS OF TIME WARNER CABLE

Time Warner Cable ("Time Warner"), by its attorneys, hereby responds to the above-captioned Notice of Proposed Rulemaking, released by the Federal Communications Commission ("Commission" or "FCC") on November 20, 1998.¹ Time Warner is pleased to support the Commission's revised equal employment opportunity ("EEO") program requirements and anti-discrimination rule for broadcast and cable entities. Under Sections 334, 309(j) and 634 of the Communications Act of 1934, Congress authorized the Commission "to adopt rules fostering equal employment [and] minority and female ownership in the provision of commercial spectrum-based services."² Despite the limitations imposed upon the Commission by the D.C. Circuit in its

¹Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding, MM Docket No. 98-204, MM Docket No. 96-16, FCC 98-305 (rel. Nov. 20, 1998) ("NPRM").

²NPRM at ¶ 25.

Lutheran Church-Missouri Synod decision,³ Time Warner nonetheless believes that the Commission's proposed employment outreach program rules for broadcast and cable entities will promote equal employment opportunities for minorities and women without implicating the constitutional concerns raised in Lutheran Church, while simultaneously reducing unnecessary paperwork and otherwise easing regulatory burdens.

Under the Commission's proposed rules, broadcast and cable entities would be encouraged to establish or continue existing minority employment outreach programs.⁴ While members of the broadcast and cable industries would remain subject to a non-discrimination rule, they would no longer be required to hire or maintain a staff reflecting the racial composition of the community in which they operate.⁵ Most of the existing broadcast and cable EEO program requirements would be retained, subject to review on an annual basis for cable operators and at renewal time for broadcasters, as well as through random audits.⁶

Time Warner supports affirmative action and compliance with the EEO provisions of the 1984 Cable Act, not because it is required to do so, but rather as a part of its ongoing efforts to promote equal opportunity and diversity in employment. Time Warner currently maintains several policies and programs which seek to fulfill these goals. Each year, Time Warner sponsors eight to ten participants in the Walter Kaitz Fellowship program, an initiative by the cable industry to bring highly skilled individuals from diverse backgrounds into management positions. Several joint

³ 141 F.3d 344 (D.C. Cir. 1998), *reh'g denied*, Sept. 15, 1998.

⁴ NPRM at ¶ 52.

⁵ Id.

⁶ Id. at ¶¶ 54-56.

ventures have been formed with minority-owned companies. Once such agreement, with Inner City Broadcasting Company, grants the minority-controlled entity a 40% interest in Time Warner's Philadelphia system. This active commitment to workforce diversity is reflected in Time Warner's EEO data which demonstrates a consistent level of minority and female employment. For example, Time Warner's parent, Time Warner Inc., has maintained the following employment levels over the past four years:⁷

		1994	1995	1996	1997
Officials and Managers	Minority	14%	15%	15%	16%
	Female	41%	42%	43%	35%
Professionals	Minority	16%	18%	18%	22%
	Female	55%	55%	53%	49%
Technicians	Minority	25%	26%	25%	25%
	Female	13%	12%	12%	8%

Independent of its obligations under federal law and FCC regulations, Time Warner stands committed to not only maintain its diverse workforce, but also to promote the success of minority students and businesses nationwide. To this end, Time Warner has pledged \$150,000 over three years to the Citizenship Education Fund's National Reclaim Our Youth Crusade. Time Warner's own Minority Vendor Policy resulted in expenditures of more than \$50,000,000 to minority-owned businesses for required goods and services. Cultural programs such as the photographic exhibition, "It's US: A Celebration of Who We Are in America Today," have raised public awareness of social issues and encouraged debate on diversity-related topics. Time Warner

⁷Time Warner Inc., EEO-1 Employer Information Reports, 1994-1997.

believes that these types of programs will promote equal opportunity throughout the marketplace and enhance Time Warner's own efforts through its internal policies.

The Commission's proposed EEO rules will further enhance diversity in the workplace by encouraging minority employment outreach programs and continuing to prohibit unlawful discrimination. Time Warner fully supports these proposals and intends to continue its practice of equal opportunity. As stated by Gerald M. Levin, Chairman and CEO of Time Warner Inc., "we will practice [racial and social justice] as a company, pursuing policies designed to bring even more minority talent into our ranks and promote diversity at every level."⁸

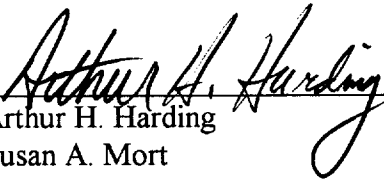
⁸Time Warner Social Responsibility Report at 47.

VI. Conclusion

For all of the reasons set forth above, the Commission should adopt its proposed broadcast and cable EEO rules.

Respectfully submitted,

TIME WARNER CABLE



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